

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

REOLA LOYD,

Plaintiff,

Case No. 12-10922
HON. GEORGE CARAM STEEH

v.

DARDEN RESTAURANTS
OLIVE GARDEN,

Defendant.

ORDER GRANTING PLAINTIFF'S APPLICATION TO PROCEED IN FORMA
PAUPERIS [#2], DENYING PLAINTIFF'S APPLICATION FOR APPOINTMENT OF
COUNSEL [#3], AND DISMISSING COMPLAINT [#1]
PURSUANT TO 28 U.S.C. §1915(e)(2)(B)(ii)

Plaintiff, proceeding pro se, has filed suit against the Darden Restaurants Olive Garden. Based upon the information in the Application to Proceed in Forma Pauperis, the court GRANTS plaintiff in forma pauperis status pursuant to 28 U.S.C. § 1915.

Plaintiff also seeks the appointment of counsel. The "appointment of counsel in a civil case is a privilege and not a constitutional right. It should be allowed in civil actions only in exceptional cases." *Lopez v. Reyes*, 692 F. 2d 15, 17 (5th Cir. 1982).

In determining whether exceptional circumstances exist, courts have examined the type of case and the abilities of the plaintiff to represent himself. This generally involves a determination of the complexity of the factual and legal issues involved.

Lavado v. Keohane, 992 F. 2d 601, 606 (6th Cir. 1993) (internal citations and quotations omitted). Plaintiff has not demonstrated this is an exceptional case warranting the

appointment of counsel. Plaintiff's application for appointment of counsel is therefore DENIED.

In addition, the court dismisses plaintiff's complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's complaint merely states race discrimination and non-payment of labor but contains no factual explanation. Plaintiff does not allege sufficient facts to make out any legally cognizable action over which this court might have jurisdiction. The court, therefore, finds that plaintiff fails to state a claim.

IT IS HEREBY ORDERED that plaintiff is GRANTED in forma pauperis status; plaintiff's application for appointment of counsel is DENIED; and plaintiff's complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

So ordered.

Dated: March 26, 2012

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 26, 2012, by electronic and/or ordinary mail and also to Reola Loyd at 413 E. Genesee St., Flint, MI 48505.

S/Marcia Beauchemin
Deputy Clerk